

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

MDL NO. 1456

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION NO. 01-CV-12257-PBS

THIS DOCUMENT RELATES  
TO ALL ACTIONS

Judge Patti B. Saris

**DEFENDANT HOFFMANN-LA ROCHE INC.'S  
MOTION FOR LEAVE TO FILE REPLY MEMORANDUM**

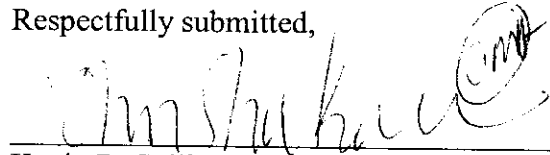
Pursuant to Local Rule 7.1(B)(3), Defendant Hoffmann-La Roche Inc. ("Roche") hereby requests leave to file a reply to Plaintiffs' Opposition to Roche's pending Motion for a Continuing Limited Stay of Discovery. In support of this motion, Roche states as follows:

1. On December 5, 2003, Roche filed a Motion for a Continued Stay of Discovery Pending Ruling on its Individual Motion to Dismiss the AMCC. Plaintiffs filed a memorandum in opposition to this motion on December 19, 2003.
2. Roche now seeks leave to file a short reply memorandum. Plaintiffs' opposition sets forth issues and arguments that were not addressed in Roche's moving papers -- notably, that Rule 9(b)'s particularity requirement as to Roche is satisfied by "inference" from evidence of other defendants' alleged wrongdoing. Roche's reply memorandum is intended to help narrow the issues and better inform the Court of the parties' respective positions.
3. Plaintiffs have declined to assent to this motion.

WHEREFORE, Defendant Hoffmann-La Roche Inc. respectfully moves that this Court grant it leave to file a reply memorandum in response to Plaintiffs' Opposition to Roche's Motion for a Continued Stay of Discovery.

Respectfully submitted,

Dated: December 29, 2003

A handwritten signature in dark ink, appearing to read "Kevin R. Sullivan", is written over a horizontal line.

Kevin R. Sullivan (*admitted pro hac vice*)

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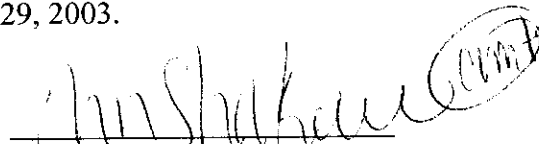
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Attorneys for Defendant Hoffmann-La Roche Inc.

CERTIFICATE OF SERVICE

I, John D. Shakow, hereby certify that a true and correct copy of the foregoing Defendant Hoffmann-La Roche Inc.'s Motion for Leave to File a Reply Memorandum was served upon all counsel of record via Verilaw on December 29, 2003.

  
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John D. Shakow